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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,052	01/05/2001	Jun Liu	MS1-711US	4697

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EXAMINER

LIANG, GWEN

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/756,052

Applicant(s)

LIU ET AL.

Examiner

GWEN LIANG

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-11, 14-16, 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhill et al., "Woodhill", (U.S. Patent No. 5,649,196), and further in view of Kenner et al., "Kenner", (U.S. Patent No. 6,314,565).

With respect to claim 1, Woodhill discloses a method comprising:

assigning data files to groups (See for example: Abstract, "... another device for calculating a current value for a binary object identifier for selected binary objects stored on the storage devices wherein the calculation of the binary object identifier is based upon the actual data contents of the associated binary object.", wherein the selected binary objects are equivalent to data files, and wherein the selected objects are grouped under one object identifier.)

processing each group to form corresponding processed images (See for example: col. 3 lines 41-44, "compressed storage files 32 (created by the Distributed Storage Manager program 24 of the present invention as is explained more fully hereinbelow).", wherein compression is applied to the objects and it is inherent that a compressed file equivalent to the claimed image is produced.);

associating each processed image with a unique identifier(See for example: Abstract, "... another device for calculating a current value for a binary object identifier for selected binary

objects stored on the storage devices wherein the calculation of the binary object identifier is based upon the actual data contents of the associated binary object.”);

generating a listing of unique identifiers (See for example: col. 5 lines 17-20, “... a list of files that were backed up during the previous backup cycle is established so that it can be determined which files need to be backed up during the current backup cycle.”, wherein each file’s filename is a unique identifier.);

storing the processed images and the listing of unique identifiers (See for example: Abstract, The distributed storage management system includes a device for selectively copying the binary objects stored on one of the storage devices to another of the storage devices and another device for calculating a current value for a binary object identifier for selected binary objects stored on the storage devices wherein the calculation of the binary object identifier is based upon the actual data contents of the associated binary object. The distributed storage management system further includes a device for storing the current value of the binary object identifier as a previous value of the binary object identifier, another device for comparing the current value of the binary object identifier associated with a particular binary object to one or more previous values of the binary object identifier associated with that particular binary object and a device for commanding the device for selectively copying binary objects in response to the device for comparing.”);

during an upgrade process, comparing a unique identifier with a downloaded latest unique identifier from a source device (See for example: Abstract, “... another device for comparing the current value of the binary object identifier associated with a particular binary object to one or more previous values of the binary object identifier associated with that

particular binary object and a device for commanding the device for selectively copying binary objects in response to the device for comparing ."); and

selectively downloading processed images whose unique identifiers appears in the latest listing of unique identifiers from the source device but not in the listing of unique identifiers in client device (See for example: Abstract, "The distributed storage management system includes a device for selectively copying the binary objects stored on one of the storage devices to another of the storage devices, "; "... another device for comparing the current value of the binary object identifier associated with a particular binary object to one or more previous values of the binary object identifier associated with that particular binary object and a device for commanding the device for selectively copying binary objects in response to the device for comparing .").

However Woodhill does not explicitly teach comparing "the listing of " unique identifiers, nor the use of " a client device for storage".

However the teaching of comparing the listing of unique identifiers is obvious. Although Woodhill teaches only comparing the identifier for a binary object, which is just an example, the method of which is applicable to all the other existing binary objects in the system. See for example, in Abstract "... computer system wherein the networked computer system includes at least two storage devices for storing data files comprised of one or more binary objects."). Thus in order to complete the selectively backup method, the comparison of the listing of unique identifiers is obvious.

Kenner teaches the use of a client device as a storage (See for example: col. 4 lines 54-59, The software updating tool then analyzes configuration information from the user terminal to determine what multimedia software is stored by the system. The tool then compares a list of

the user's multimedia software with the list of software upgrades contained in the script file.”, wherein the user terminal is considered to be a client connected to a server, i.e. a client/server environment.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to adapt a client/server environment as disclosed by Kenner to correspond to the two storage devices, wherein files are selectively copied from one storage device to another as taught in Woodhill for automating the retrieval and installation of software components, and more particularly, providing a software tool which allows a user to automatically download audio/video player software from distributed Internet servers, and to identify and update multimedia software components ... (See for example: col. 1 lines 10-15). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Kenner teaches a method wherein the source device includes a server device (See for example: col. 4 lines 27-37).

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Woodhill teaches a method wherein each unique identifier is derived from its corresponding processed image (See for example: Abstract, “... another device for calculating a current value for a binary object identifier for selected binary objects stored on the storage devices”).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Woodhill teaches a method wherein assigning data files to groups further includes assigning related function data files to groups (See for example: col. 8 lines 58-65).

Claim 7 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Woodhill teaches a method wherein processing each group to form corresponding processed images further includes compressing each group to form corresponding compressed images (See for example: col. 3 lines 41-44).

Claims 8-11 and 14 are rejected on grounds corresponding to the reasons given above for claims 1-4 and 7.

Claims 15, 16, 19, 20 are rejected on grounds corresponding to the reasons given above for claims 1, 3 and 7.

Claim 21 is rejected on grounds corresponding to the reasons given above for claim 1, and furthermore Woodhill teaches a network (See Title).

Claims 22-24 are rejected on grounds corresponding to the reasons given above for claims 3, 4 and 7.

3. Claims 5, 12, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhill et al., "Woodhill", (U.S. Patent No. 5,649,196), further in view of Kenner et al, "Kenner", (U.S. Patent No. 6,314,565), and further in view of Cowan, (U.S. Patent No. 5,848,064).

Claim 5 is rejected for the reasons set forth hereinabove for claim 1. However the combination of Woodhill and Kenner does not explicitly teach a "persistent memory".

Cowan teaches a persistent memory (See for example: col. 9 lines 12-15, wherein a read only memory is equivalent to a persistent memory.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a persistent memory as disclosed by Cowan into the file

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storage as taught in the combination of Woodhill and Kenner for storing the files represented by the filenames (See for example: col. 9 lines 13-14). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claims 12, 18 are rejected on grounds corresponding to the reasons given above for claim 5.

4. Claims 6, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhill et al., "Woodhill", (U.S. Patent No. 5,649,196), further in view of Kenner et al, "Kenner", (U.S. Patent No. 6,314,565), and further in view of Cane et al., "Cane" (U.S. Patent No. 5,765,173).

Claim 6 is rejected for the reasons set forth hereinabove for claim 1. However the combination of Woodhill and Kenner does not explicitly teach generating a new listing of unique identifiers ...

Cane teaches a persistent memory (See for example: col. 4 lines 34-39, wherein a previous block signature list, analogous to an old listing of unique identifiers, is replaced with the new block signature list, analogous to a new listing of unique identifiers.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the method of generating a new listing of unique identifiers as disclosed by Cane into the software version control method as taught in the combination of Woodhill and Kenner for improving backup speed and efficiency by backing up portions of files that have changed (See for example: col. 2 lines 21-23). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.



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Claims 13, 17 are rejected on grounds corresponding to the reasons given above for claim

6.

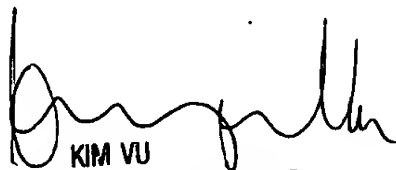
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GWEN LIANG whose telephone number is 703-305-3985. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M. Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

G.L.  
January 10, 2003

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100